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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/808,239	03/14/2001	Takashi Kondo	15162/02760	4809

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SIDLEY AUSTIN BROWN & WOOD LLP
717 NORTH HARWOOD
SUITE 3400
DALLAS, TX 75201

EXAMINER	
JANVIER, JEAN D	

ART UNIT	PAPER NUMBER
3622	

DATE MAILED: 09/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/808,239	KONDO ET AL.	
	Examiner	Art Unit	
	Jean D Janvier	3622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on *14 March 2001*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-30* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-30* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Specification

The title of the invention is not descriptive so as to help one having ordinary skill in the art understand the nature of the subject matter. A new title is required that is clearly indicative of the invention to which the claims are directed (See 37 CFR 1.72).

Status of the claims

Claims 1-30 are currently pending in the Instant Application.

Claim Objections

Claims 7-14, 23 and 29-30 are objected to because of the following informalities:

Concerning claims 23 and 29-30, "the user", when introduced for the very first time in the claims, should apparently be replaced with -- a user--.

Concerning claims 7-14, the number of transit servers used in the system and the manner in which the servers are connected will not be given patentable weight here. In examining the claims, the Examiner considers the method steps and the system used to implement these steps, but not the hardware or how the hardware is connected per se. Thus, some of the claims will be broadly interpreted.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims 1, 2, 4-6, 7-8, 13, 15-16, 23-26 and 29-30 are rejected under 35 U.S.C. 102(e) as being anticipated by Cohen, US Patent 6, 060, 993.

As per claims 1, 2, 4-6, 7-8, 13, 15-16, 23-26 and 29-30, Cohen discloses a system in which one or more time-sensitive and location-oriented messages or advertisements (inputs), previously transmitted from a Station or Central Facility database to a Controller 16 related to a mobile unit or moving vehicle 12 (display unit), will be displayed on display 14 physically attached to Controller 16, based on a schedule and location information (display conditions) previously transmitted along with the one or more advertisements or messages from the Station (host server) to Controller 16 (transit server), upon determining by Controller 16 in conjunction with a location detection device or GPS 18 the present location of vehicle 12 traveling within route 34 of fig. 2 (display conditions). When vehicle 12 moves to a new zone within geographical location 34, Controller 16 will display on display 14 a specific message or advertising message (input) or high priority message in accordance with the location and time

(schedule or display condition). If, however, the vehicle -monitored parameter, speed or weather (display conditions) is not in accordance with that specified for the message or high priority message, then an alternate message or low priority message from Controller 16 D/B or Station 20 D/B will be displayed on display 14 instead (display conditions require deletion or prevents displaying one scheduled input.... -Col. 4: 61 to Col. 5: 3). **Furthermore, transaction data regarding the displayed messages or advertisements including record of times, dates, locations or zones and monitored parameters are recorded by Controller 16 of the mobile unit and stored in its memory or database in an activity log file for transmission to the Station or Central Facility, in communication with Controller 16 via link 26 (cellular link, RF link or cable link or land line), wherein the transaction data are used to generate billing statements for different participating advertisers.** It should further be understood here that an advertiser might be charged for each advertisement displayed on display 14 or based on some prior arrangements (See figs 1-4; See claims 1-3, 5, 7 and 10-19; col. 4: 27-53; col. 5: 14-37).

In a further embodiment, Cohen discloses a system, as shown in fig. 2, wherein a typical geographic region 34 is depicted and it is divided into various zones 36, 38, 40, 42, 44, 46, 48 and 50 by a plurality of dashed boundary lines. The geographic zones have been defined by the base 32 or the fixed stations (local servers) and can be customized for a specific message. For instance, vehicle 12 as shown is being presently located in the zone 50 and that another vehicle 52 is also located in the zone 44. The station 20 is shown as being located in the zone 36, the station 22 in the zone 46 and the station 24 in the zone 44. The controller 16 of the vehicle 12 will, under usual conditions, be in communication with the most proximate station, station 20 (server) while the controller of the vehicle 52 will be in communication with the station 24. If the

vehicle 12 traverses into the zone 48 and the message carried in the display is not scheduled for display in the zone 48, upon detection that the vehicle 12 is in the zone 48, the controller 16 will either communicate with the most proximate station 22, for example, to receive a message designated for display in the zone 48 (deleting or replacing a currently displayed message with another message more appropriate for the vehicle 12 present position) or will select a message designated for display in the zone 48 from its memory related to vehicle controller 16 (transit server or computer). See col. 5: 38-60.

Claims 1-30 are rejected under 35 U.S.C. 102(e) as being anticipated by Carney, US Patent 6, 408, 278B1.

As per claims 1-30, Carney discloses a system and method through which targeted programming content (targeted input or advertisement) is delivered for display on a network of electronic out-of-home display devices or display terminals. The network includes a plurality of individually addressable display devices (each display terminal having an address or ID) that are located in public venues, such as airports, shopping centers, transit systems, etc. Demographic data is tracked for the display devices by place and by time so that the programming content can more closely conform to the changing demographic of the targeted audience.

Briefly stated, the present system is directed toward a programming distribution network, comprising a plurality of geographically dispersed display devices that are situated in public places. The display devices (coupled to local workstations or transit servers or computers) are connected to a server computer (host server) by way of a communications network, such as

LAN, WAN, the Internet, so that the server computer is programmable to **select a specific one** of the plurality of geographically dispersed display devices and deliver thereto programming, such as targeted advertising, for display on that display device or display terminal.

Moreover, the system can be used to identify and display from a prescribed set of programming material a subset of the programming material for display at each of the display devices **so that different display devices display different programming at any given time and the programming material displayed on each display device is dynamically updateable (each individual display terminal displaying different content)**. Particular display devices are identified on the basis of a target audience for each set of programming material. Further, each display device is at a known location (based on its ID), and further has associated demographic information based on that device's location. The demographic information (display conditions) associated with each display device may change independently based on predicted changes in the target audience as a function of time.

According to a further aspect of the system, the network of display devices can be coupled to an inventory supply system that tracks inventory for a product or service. As a result, the network can change the programming on selected display devices (group of display terminals) as a function of inventory levels. Accordingly, when an inventory system indicates inventory above a predefined level at a particular location, programming can be display on selected display devices that is indicative of the product (displaying product information regarding a specific product on all display units within a group in a particular location).

(See abstract; col. 1: 41 to col. 2: 6; col. 3: 5-47).

Indeed, an important aspect of the system or network is that a display device 14 of fig. 1 is an out-of-home electronic display device. As such, it is most likely located in a public venue such as a shopping center, Public Park, stadium, airport, rail transit station, bus station or other transit center, amusement park or other entertainment venue, convention center, and any other high traffic public place. **Display device 14 is preferably a large viewing area device that is capable of displaying full motion video, static images, animated images, and text (display unit capability). For example, the display device could comprise a plasma display device such as NEC Plasma Sync, a video wall of monitors, an electronic billboard, and so on (display type).**

Furthermore, in the embodiment shown in fig. 2, a plurality of display devices 14a-14n are located at geographically dispersed out-of-home locations 12a-12n. The geographically dispersed display devices 14a-14n are accessible from **host** server 20 by way of an Internet connection 22. As such, server 20 can selectively point cast customized programming content (input) out to display devices 14a-14n (to group of display terminals). In other words, at any given time, server 20 can control the programming content addressed to display device 14a, for example, while separately controlling the programming content addressed to display device 14n. Here, display devices 14a ....14n, coupled to transit servers 12a...12n, are in communication with server computer 20 by way of Internet based connections and receive targeted content from the host server 20. At locations 12a...12n, respective display devices 14a...14n are viewable by a target audience that may demographically vary as a function of time (targeting an audience based on display conditions such as location and time of display). For example, out-of-home display device 14a is located in venue 12a and is viewable by audience 16aa having a first

demographic (e.g., males in the age range of 15-19) and audience 16ab having a second demographic (e.g., females in the age range of 35-45), and audience 16ac having a third demographic (e.g., families). The demographic for each audience may change over time throughout a given day, throughout a given week, throughout a given month, and so on. For example, early afternoon traffic at a mall may comprise a large population of school-age children while evenings and weekends may comprise complete families **(and an advertiser may be charged a fee to display his advertising message on display 14a based on such potential viewing population or audience).** According to an aspect of the system, database 18'a of transit server 12a maintains information indicative of the demographic changes associated with a given display device 14a by, for example collecting and maintaining historical demographic information. The demographic information is then accessible to host server computer 20 so that the programming content for a given display device can be adjusted **or updated** to conform with the **probable** demographic of the changing viewer composition or characteristics (deleting or replacing a stored content based on the changing profile of the target audience) **(and an advertiser may be charged a fee to display his advertising message on display 14a based on such potential or probable viewing population or audience)**.

Additionally, clients or advertisers or advertising agencies, e.g., clients a-m of fig. 2, can access host server computer 20 via computers 24a-24m, respectively, to place programming content on selected display devices 14a-14n that closely matches the demographic of likely consumers of the content of their programming. For instance, **an advertisement targeted at a young male audience can be displayed on selected display devices, 14a-14n (displaying a targeted ad to a group of display devices)**, only at a time and day when the audience (16aa,

16ab, 16ac-16na, 16nb, 16nc) contains a desired demographic mix (i.e. a sufficient number of young males so that the advertisement is likely to generate interest in the viewing audience **and charge the advertiser an advertising fee based on such potential or probable audience or target market**). Similarly, display devices 14a-14n not having a sufficient audience of young males at a given time can be avoided **(do not display input on display terminals if the display conditions are not met).**

Col. 5: 18 to col. 9: 21 and figs. 1-9.

Conclusion

Although the following references were not used in the Office Action, they were highly considered by the Examiner. Applicants are further directed to consult these references.

US Patent 5,777, 580-here, Janky et al disclose a location detection system to determine the current position of a vehicle using a GPS or GLONASS.

US Patent 5, 214, 793 to Conway discloses an in-vehicle system for allowing a driver to receive or request location-specific commercials, traffic information or to select a particular commercial.

US Patent 6, 082, 500 to Amo discloses a display apparatus within elevator cabs or elevator waiting areas that facilitates the simultaneous display of advertising and general news information is described. Broadcast from a remote control center, advertising and general news

information updates are transmitted to, and stored in a server located within a building and then forwarded to a display memory and subsequently displayed on a monitor according to a remotely modifiable program schedule. The display is updated such that it contains a copy of the latest broadcast schedule, as well as the advertisement and information programming, and automatically displays a days program according to the most current broadcast schedule. The display units as well as the building server are each individually addressable thus allowing groups of displays to be simultaneously updated from a remote centralized location with information such as news updates, customized advertising information and the like.

US Patent 6, 073, 727 to Difranza discloses a system for displaying video information to passengers of an elevator in accordance with a play list defining a sequence of messages. The video information messages can include combinations of digital advertising, "real-time" general information, as well as, building-related information. The system includes an elevator display unit having a display monitor for displaying video information to the passengers, and a local server which, receives scheduling information associated with the video information over a data communication path and, in accordance with the scheduling information, generates a play list used to display at the elevator display unit.

US Patent 5, 504, 675 to Cragun discloses a sales promotion program is dynamically selected from a plurality of programs for presentation in a program presentation unit by a neural network that makes its selection based on first detecting if a person is in the area immediately around the program presentation unit, then either selecting a general attract loop sales promotion

program with the trained neural network using a set of predetermined system criteria if no person is detected in the immediate area or selecting a specific loop sales promotion program if at least one person is detected in the immediate area. The neural network is trained by selecting general attract loop programs that are run and then collecting data indicative of the number of persons responding to the general attract loop and also by selecting specific loop programs that are run if a person is in the immediate area and then collecting data indicative of the responses to the specific loop programs. The collected data thereby represents the success of the various sales programs in attracting and holding the attention of persons. The collected data is provided to the neural network in any one of a plurality of training schemes typical for neural networks, after which the trained neural network is provided with current, real-time selection data such that the trained network can select the most appropriate sales promotion program for running. The network can be retrained at regular intervals or in response to sales data or changes in the collected data.

Any inquiry concerning this communication from the Examiner should be directed to Jean D. Janvier, whose telephone number is (703) 308-6287). The aforementioned can normally be reached Monday-Thursday from 10:00AM to 6:00 PM EST. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's Supervisor, Mr. Eric W. Stamber, can be reached at (703) 305- 8469.

For information on the status of your case, please call the help desk at (703) 308-1113. Further, the following fax numbers can be used, if need be, by the Applicant(s):

After Final- 703-872-9327

Before Final -703-872-9326

Non-Official Draft- 703-746-7240

Customer Service- 703-872-9325

09/18/04

JDJ

Jean D. Janvier

Patent Examiner

Art Unit 3622